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October 11, 2023

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Nina R. Morrison, U.S.D.J.
225 Cadman Plaza East
Courtroom 6E North
Brooklyn, NY 11201-1804

Re: Paccha v. APS Electric, Inc., et al.
Case No: 1:23-cv-2075 (NRM) (MMH)
MLLG File No.: 86-2023

Dear Judge Morrison:

This office represents the Defendants APS Electric, Inc. (hereinafter “APS” or the “Corporate Defendant”) and Mikhail Mikhaylov (hereinafter “Mikhaylov” or the “Individual Defendant”) (the Corporate Defendant and the Individual Defendant collectively hereinafter the “Defendants”) in the above-referenced case. See ECF Docket Entry [11](#). Defendants write pursuant to this Court’s Individual Practice Rules (“IPR”) to respectfully request an extension of time until Friday, October 6, 2023, *nunc pro tunc*, to serve Defendants’ motion to dismiss and compel arbitration pursuant to IPR § 5.2.3.1.

Pursuant to IPR § 1.7, Defendants respectfully submit that:

(i) the reason for the request is because your undersigned needed additional time for a principal of APS to complete the final review of and execute a declaration in support of the motion;

(ii) the original date the motion was due to be served was Friday, September 29, 2023;

(iii-iv) there has been one (1) previous request for an extension of time of the instant deadline, which was granted on consent;

(v) Plaintiff consents so long as all opposition and reply deadlines are reciprocally extended as set forth below, to which Defendants consent;

(vi) the proposed amended briefing schedule is

(a) moving papers by Friday, October 6, 2023

(b) opposition papers by Tuesday, November 7, 2023 and

(c) reply papers by Tuesday, November 21, 2023;

(vii) Defendants are not aware of any other scheduled dates that would be affected by the requested extension; and

(viii) Defendants failed to submit the instant request for an extension two (2) working days prior to the deadline due to an oversight of your undersigned's support staff in calendaring the updated deadlines.

In light of the foregoing, Defendants respectfully submit that there exists good cause and excusable neglect warranting this Court's exercising its discretion in favor of granting the requested extension. See Fed. R. Civ. P. 6(b)(1)(B).

Further, Defendants respectfully simultaneously submit this correspondence as a cover letter pursuant to IRP § 5.2.3.1 confirming that they have served the following papers upon Plaintiff on Friday, October 6, 2023: (i) notice of motion to dismiss and compel arbitration, or in the alternative, for a stay pending arbitration; (ii) memorandum of law in support; and (iii) declaration in support with accompanying exhibits A through C.

Defendants thank this honorable Court for its time and attention to this case

Dated: Lake Success, New York
October 11, 2023

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s/ Emanuel Kataev, Esq.

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